

REMARKS

I. Status Summary

This supplemental amendment is provided to replace the remarks made in Amendment B filed August 22, 2007. The remarks in the originally filed Amendment B were by mistake the same as in Amendment A filed previously. Applicants respectfully request consideration and entry of this supplemental amendment to Amendment B.

As with Amendment B, claims 1-42 are pending in the present application. Claims 31, 32, and 35-42 have been withdrawn. Claims 1, 15, 29, and 33 have been amended. Support for the amendments to claims 1, 15, 29, and 33 can be found throughout the figures and the specification. Reconsideration of the application and entry of the Amendment is respectfully requested.

II. Claim Rejections under 35 U.S.C. § 102(b)

Claims 1, 2, 11-16, 25-30, 33, and 34 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,702,470 to Menon.

Applicant respectfully submits that Menon does not disclose every element of the claims 1, 2, 11-16, 25-30, 33, and 34 and therefore cannot anticipate these claims under 35 U.S.C. §102(b).

II. A. Summary of Independent Claims 1, 15, 29 and 33 Rejected under 35 U.S.C. §

102(b)

Independent claim 1 recites a prosthetic wrist implant including a radial component having a base member with an upper bearing surface and lower surface having an elongated radial stem extending therefrom for fixation to a radius bone. The prosthetic wrist implant also includes a carpal component having a substantially planar base member with an upper surface having an elongated carpal post member for fixation to one or more carpal bones. The carpal component includes an outer edge and a lower surface with at least one socket protrusion extending therefrom. The prosthetic wrist implant further includes an articulating bearing component for placement between the radial and carpal components. Independent claim 1 has been amended to recite that the bearing component has an upper surface defining at least one socket recess having a continuous inner circumference and a lower bearing surface for cooperative engagement with an upper bearing surface of the radial component. Independent claim 1 has also been amended to recite that the socket protrusion of the carpal component is configured for linearly and coaxially engaging the socket recess of the bearing component to minimize rotational and translational movement of the carpal component relative to the bearing component.

Independent claim 15 recites a prosthetic wrist implant including a radial component having a base member having an upper bearing surface and lower surface having an elongated radial stem extending therefrom for fixation to a radius

bone. The prosthetic wrist implant also includes a carpal component having a substantially planar base member with an upper surface with an elongated carpal post member for fixation to one or more carpal bones. The carpal component includes an outer edge and a lower surface with a pair of socket protrusions extending therefrom. Each socket protrusion defines an opening therethrough adapted for receiving a screw. The prosthetic wrist implant further includes an articulating bearing component for placement between the radial and carpal components. Independent claim 15 has been amended to recite that the bearing component has an upper surface defining a pair of socket recesses having continuous inner circumferences. The bearing component also has a lower bearing surface for cooperative engagement with the upper bearing surface of the radial component. Independent claim 15 has also been amended to recite that the pair of socket protrusions of the carpal component is configured for linearly and coaxially engaging the pair of socket recesses of the bearing component to minimize rotational and translational movement of the carpal component relative to the bearing component.

Independent claim 29 recites a prosthetic wrist implant for implantation between a patient's radius bone and carpal bone complex. The prosthetic wrist implant includes a radial component including a base member having an upper bearing surface and a lower surface having an elongated radial stem extending therefrom that is implanted into a radius bone. The prosthetic wrist implant also includes a carpal component having a substantially planar base member with an

upper surface having an elongated carpal post member that is implanted into the capitate bone of the carpal bone complex. The carpal component includes a lower surface with a pair of socket protrusions extending therefrom. Each socket protrusion defines an opening therethrough adapted for receiving a screw, so that a screw can be implanted into the trapezoid bone and another screw can be implanted into the hamate bone of the carpal bone complex. The prosthetic wrist implant further includes an articulating bearing component for placement between the radial and carpal components. Independent claim 29 has been amended to recite that the bearing component has an upper surface defining a pair of socket recesses having continuous inner circumferences. The bearing component also has a lower bearing surface for cooperative engagement with the upper bearing surface of the radial component. Independent claim 29 has also been amended to recite that the pair of socket protrusions of the carpal component is configured for linearly and coaxially engaging the pair of socket recesses of the bearing component to minimize rotational and translational movement of the carpal component relative to the bearing component.

Independent claim 33 recites a prosthetic wrist implant system comprising a plurality of different sized radial components. Each radial component includes a base member having an upper bearing surface and a lower bearing surface having an elongated radial stem extending therefrom for fixation to a radius bone. The prosthetic wrist implant system also includes a plurality of different sized carpal components. Each carpal component includes a substantially planar base member

having an upper surface with an elongated carpal post member for fixation to one or more carpal bones and a lower surface with at least one socket protrusion extending therefrom. The prosthetic wrist implant system further includes a plurality of different sized articulating bearing components for placement between correspondingly sized radial and carpal components. Independent claim 33 has been amended to recite that each bearing component has an upper surface defining at least one socket recess having a continuous inner circumference and a lower bearing surface for cooperative engagement with the upper bearing surface of a correspondingly sized radial component. Independent claim 33 has also been amended to recite that the socket protrusion of the selected carpal component is configured for linearly and coaxially engaging the socket recess of a correspondingly sized bearing component to minimize rotational and translational movement of the carpal component relative to the bearing component.

II. B. Arguments Against the Rejection of the Claims based on 35 U.S.C. § 102(b)

Applicant respectfully submits that Menon does not anticipate independent claims 1, 15, 29, or 33 or the claims that depend therefrom. In particular, Menon does not disclose all the features of independent claims 1, 15, 29, and 33.

Menon discloses a prosthetic wrist implant that includes a radial implant **40**, a bearing component **42** and a carpal implant **44**. The bearing component **42** includes slots **104** with lip portions **106**. The carpal implant **44** includes locking tabs **72** and **74** that may be used to attach the carpal implant to carpal bearing component **42**.

Each locking tab **72** and **74** includes a raised head portion **80** and **82**, respectively. The locking tabs **72** and **84** also include slots **84** and **86**, respectively. The raised head portions **80** and **82** and slots **84** and **86** are configured to slidably engage the slots **104** and lip portions **106** in the carpal bearing component **42**. A tab **88**, which is slightly raised, also slidably engages with a slot **100** in the carpal bearing component **42**. When installing the carpal bearing component **42** on the carpal implant **44**, the slots **104** engage with the raised tabs **72**, **74** as the carpal bearing component **42** is slid sideways over the carpal implant **44**. Likewise, tab **88** engages with tapered slot **100** to create increasingly strong pressure as the tab **88** slides up the ramp of tapered slot **100**.

Menon does not disclose having continuous inner circumferences that surround the slots **104** in carpal bearing component **42**. Such continuous inner circumferences around slots **104** would prevent the sideways sliding engagement of the raised tabs **72**, **74** into slots **104**. Further, Menon does not disclose that the raised tabs **72**, **74** of the carpal implant **44** is configured for linearly and coaxially engaging the slots **104** in carpal bearing component **42** to minimize rotational and translational movement of the carpal component relative to the bearing component. The movement of raised tabs **72**, **74** into slots **104** is not coaxial. The axis of the raised tabs **72**, **74** is not aligned with the axis of the slots **104**. Therefore, the raised tabs **72**, **74** are not configured to linearly and coaxially engage the slots **104**.

Claims 1, 15, 20, and 33 all recite that the socket recesses having continuous inner circumferences and that the socket protrusions of the carpal component are

configured to linearly and coaxially engage the socket recesses of the bearing component to minimize rotational and translational movement of the carpal component relative to the bearing component. As stated above, Menon does not disclose the above identified features.

For the above reasons, applicant respectfully submits that Menon does not anticipate independent claims 1, 15, 29, or 33. Since claims 2, and 11-14 depend from claim 1, claims 16, and 25-28 depend from claim 15, claim 30 depends from claim 29, and claim 34 depends from claim 33, applicant respectfully submits that claims 2, 11-14, 16, 25-28, 30 and 34 are also not anticipated by Menon. Applicant, therefore, respectfully requests that the rejection of claims 1, 2, 11-16, 25-30, 33, and 34 under 35 U.S.C. § 102(b) be withdrawn and the claims be allowed at this time.

III. Claims Rejections under 35 U.S.C. § 103

Claims 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Menon and further in view of U.S. Patent Publication No. 2003/0216813 to Ball et al. (hereinafter "Ball").

III. A. Arguments Against The Rejections of the Claims based on 35 U.S.C. § 103

Applicant respectfully submits that Menon in view of Ball does not render independent claim 33 obvious. In particular, Menon and Ball, alone or in combination, do not disclose, teach, or suggest every feature recited in independent claim 33.

As described above, Menon does not disclose, teach, or suggest the pair of socket recesses having continuous inner circumferences and that the pair of socket protrusions of the carpal component are configured to linearly and coaxially engage the pair of socket recesses of the bearing component to minimize rotational and translational movement of the carpal component relative to the bearing component as recited in claim 33 of the present application. In fact, Menon teaches away from such features. As described above, Menon requires the sliding engagement of the raised tabs **72**, **74** of the carpal implant **44** with the slots **104** in carpal bearing component **42**. Such sliding engagement prevents the slots from having continuous inner circumferences and does not permit coaxial engagement of the raised tabs with the slots. Thus, Menon teaches away from the prosthetic wrist implant system of independent claim 33.

Ball does not overcome the shortcoming of Menon. Ball discloses modularity of components and subcomponents of surgical implants. Ball discloses that a carpal anchor **42** is received in a rim **50** of a fixation or mounting plate **38**. Rim **50** can then be received in a recess **48** of a head bearing **32**. Ball discloses, teaches and suggests a single recess in the head bearing. Thus, the engagement of rim **50** in recess **48** does not necessarily prevent rotation of the fixation plate **38** within head bearing **32**. In fact, as disclosed in Ball, head **32** may or may not be rotatable with respect to the fixation plate **38**. Such an engagement between rim **50** of the fixation plate **38** and recess **48** of the head bearing **32** even if constructed to be press fitted, would likely still permit rotational movement of the rim **50** in the recess **48**. Thus, Ball

does not disclose, teach, or suggest that socket protrusions are configured to linearly and coaxially engage socket recesses of bearing components to minimize rotational and translational movement of the carpal component relative to the bearing component.

Thus, the combination of Menon in view of Ball does not render independent claim 33 obvious. Claim 34 depends from claim 33. Therefore, the combination of Menon in view of Ball also does not render claim 34 obvious. Accordingly, Applicant respectfully submits that the rejection of claims 33 and 34 under 35 U.S.C. § 103(a) be withdrawn.

IV. Allowed Subject Matter

Applicant appreciates the indication that claims 3-10 and 17-24 are allowed.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT

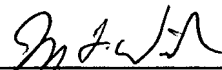
Although it is believed that no fee is due, The Commissioner is authorized to charge any deficiencies of payment associated with the filing of this correspondence to Deposit Account No. 50-0426 to avoid the unintentional abandonment of the instant application.

Respectfully submitted,

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Date: August 29, 2007

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